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ACTION ARA-15

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INFO OCT-01 ISO-00 SSO-00 NSCE-00 ICAE-00 INRE-00
CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 9610

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E.O. 12065: XDS-1 2/23/09 (CASTRO, RAUL H) OR -M
TAGS: SHUM, AR
SUBJECT: HUMAN RIGHTS: AMBASSADOR PAYS COURTESY CALL ON MIN.
JUSTICE

1. [REDACTED] ENTIRE TEXT)

2. IN RESPONSE TO MY NOTE TO THE FONOFF, DATED FEB. 14, REQUESTING
AN APPOINTMENT WITH THE MIN OF JUSTICE, I MET WITH MINISTER
RODRIGUEZ VARELA THIS MORNING (FEB 23) AT 11 A.M. IN
HIS OFFICE. IT WAS A COUTESY CALL INASMUCT AS THE MINISTER HAS
BEEN IN OFFICE ONLY ABOUT THREE MONTHS.

3. THE MINISTER WAS FAMILIAR WITH MY LEGAL BACKGROUND AS
A FORMER LAWYER, DISTRICT ATTORNEY AND SUPERIOR COURT JUDGE.
WE INITIALLY TALKED ABOUT GENERAL LEGAL CONCEPTS AND
PHILOSOPHY OF JURISPRUDENCE. I THEN COMPLIMENTED HIM FOR HIS
VISIT TO MOST OF ARGENTINA'S JAILS AND PRISONS. HE STATED HE
WAS THE MINISTER OF JUESTICE AND PRISONS WERE WITHIN HIS
JURISDICTION. THEREFORE, HE INTENDED TO CHECK EVERY PENAL
FACILITY WITH THE OBJECTIVE OF UPGRADING THEM.

4. THE MINISTER SAID HE HAD VISITED MOST MAJOR PENAL
INSTITUTIONS AND WAS SATISFIED AN EFFORT IS BEING MADE TO
COMPLY WITH HUMANE AND GENERALLY ACCEPTED PRISON STANDARDS.

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
☒ Release ☐ Excise ☐ Deny
Exemption(s):
Declassify: ☐ In Part ☒ In Full
☐ Classify as ☐ Extend as ☐ Downgrade to
Date ☐ Declassify on ☐ Reason

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RODRIGUEZ-VARELA WAS MOST EMPHATIC IN STATING- DEVOTO
PRISON WAS NOT MEETING THOSE STANDARDS. HE SAID DEVOTO IS OVER-

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CROWDED, THE PHYSICAL PLANT SUB-STANDARD AND ATTITUDE OF PRISON ADMINISTRATION UNSATISFACTORY* HIS PLANS ARE TO MOVE MOST OF DEVOTO PRISONERS TO THE MODERN AND NEWLY CONSTRUCTED CASALES PRISON NEAR BUENOS AIRES.

5. MINISTER RODRIGUEZ VARELA SAID HE WOULD BE VISITING THE RAWSON PRISON, ABOUT ONE THOUSAND MILES SOUTH OF BA, WHERE MOST OF THE HARD-CORE SUBVERSIVES ARE ENCARCERATED. HE SAID THE PHYSICAL-PLANT MEETS THEIR REQUIREMENTS BUT IS DISSATISFIED WITH THE RIGIDITY AND INFLEXIBLE MANNER OF THE GUARDS AND PRISON ADMINISTRATORS. IN HIS OPINION PRISON GUARDS ARE OPERATING UNDER MIDDLE-AGES CRITERIA. HE STATED HE WOULD BE CHANGING PERSONNEL THERE AND IMPLEMENTING MODERN STANDARDS. THE MINISTER ALSO INTENDS TO PLACE MOST OF THESE PRISONERS IN THE NEWLY CONSTRUCTED FACILITY NEAR BUENOS AIRES.

6. THE MINISTER SAID HE HAD RECOMMENDED TO PRESIDENT VIDELA AND MINISTER OF INTERIOR HARGUIDEGUY RELEASES OF THOSE PRISONERS HELD UNDER THE PREVIOUS ADMINISTRATION WITHOUT

CHARGES. HE ALSO RECOMMENDED ALL PRISONERS HELD UNDER PEN (PODER EJECUTIVO NACIONAL) BE RELEASED, UNLESS THESE HAD BEEN CHARGED WITH CRIME AND SUBJECT TO THE JURISDICTION OF THE COURTS. THE MINISTER SAID BOTH THE PRESIDENT AND HARGUIDEGUY HAD AGREED WITH HIM. HE WAS QUITE FIRM IN MAKING HIS POSITION KNOWN THAT SO LONG AS HE WAS RESPONSIBLE FOR PRISONS HE FELT HE ALSO SHOULD HAVE RESPONSIBILITY TO DETERMINE WHO LEAVES UNDER THE RIGHTS OF OPTION. HE RECOGNIZED RIGHT OF OPTION CASES HADN'T FUNCTIONED EFFICIENTLY.

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7. RODRIGUEZ VARELA WAS EMPHATIC PRISON RELEASES SHOULD TAKE PLACE ASAP. HE MENTIONED THE IAHRC WAS DUE IN COUNTRY AT THE END OF MAY. HE MADE THE POINT CLEAR THESE RELEASES MUST OCCUR WITHOUT DELAY IF GOA IS TO MAKE A REASONABLE SHOWING FOR THE IAHRC. HE PREDICTED RELEASES WOULD BE TAKING PLACE AT A MUCH MORE RAPID PACE THAN HERETOFORE.

8. THE MINISTER INFORMED US HE TAUGHT LAW AT THE UNIVERSITY OF BUENOS AIRES AND AT CATHOLIC UNIVERSITY ON THE SIDE. HE SAID HE HAD TO MOON-LIGHT DUE TO FACT HE HAD EIGHT CHILDREN AND ALL WERE HEALTHY EATERS. HE STATED THE COURSES HE TAUGHT DEALT WITH INDIVIDUAL RIGHTS. HE THEREFORE, HAD TO PRACTICE

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WHAT HE PREACHED -- RETURN TO THE RULE OF LAW. HE SAID IT WAS HIS OBJECTIVE TO MAKE FULL USE OF COURTS AND WAS INTOLERANT TO THOSE WHO TOOK THE LAW IN THEIR OWN HANDS. HE ALSO STATED HE HAD WRITTEN SEVERAL BOOKS, MOST OF THEM DEALING WITH THE FIELD OF CONSTITUTIONAL AND INDIVIDUAL RIGHTS.

9. RODRIGUEZ VARELA SAID HE ANTICIPATED A BAD REPORT FROM IAHRC. HE SAID GOA'S POSTURE WOULD BE THAT IN THE PAST EXCESSES AND HUMAN RIGHTS VIOLATIONS WERE COMMITTED. HE WANTED IT MAKE KNOWN HIS EFFORTS WERE BEING DIRECTED IN MAKING PROGRESS IN THE FIELD OF HUMAN RIGHTS FROM NOW AND IN THE FUTURE. ALTHOUGH HE REGRETTED WHAT HAD TAKEN PLACE IN THE PAST AND HE COULDN'T MAKE A MAJOR CONTRIBUTION THERE, BUT HE COULD IN THE FUTURE. HE EXPLAINED EVEN THOUGH PAST ACTIONS CAN BE EXPLAINED THEY CAN'T BE JUSTIFIED.

10. COMMENT: THE MINISTER CAME THROUGH AS AN ULTRA-CONSERVATIVE, RELIGIOUS AND HIGHLY INTELLECTUAL LAWYER. IT WAS ALSO CLEAR THAT IF HE WAS TO BE BLAMED OR HELD RESPONSIBLE FOR PRISONS AND THE WELFARE OF PRISONERS, HE INTENDED TO FULLY ASSUME THOSE RESPONSIBILITIES. IT WAS OBVIOUS HE WAS REFERRING TO THE INTERFERENCE FROM THE MIN OF INTERIOR. HE ALSO CAME ON AS A STRONG-WILLED PERSON, NOT AFRAID TO SPEAK HIS PIECE TO OTHERS IN GOA.

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